

William A. Earnhart (ABA 9411099)
RICHMOND & QUINN, PC
360 "K" Street, Suite 200
Anchorage, Alaska 99501
Ph: (907) 276-5727
Fax: (907) 276-2953
wearnhart@richmondquinn.com

Attorneys for defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

MARLENE G. MEYER,)
)
Plaintiff,)
)
v.)
)
ARG ENTERPRISES, INC. aka STUART)
ANDERSON'S CATTLE COMPANY)
RESTAURANTS,)
)
Defendant.) Case 3:05-cv-00239-TMB
)

PROPOSED ORDER

This court, having reviewed all briefing and argument in this case regarding negligence per se and alleged code violations, hereby finds that plaintiff's expert Richard Button has repeatedly provided citations to inapplicable provisions of the IBC, AMC, and ANSI standards, none of which have any bearing on the issues in

this case. Plaintiff's claim for negligence per se is hereby dismissed and plaintiff's expert Richard Button is prohibited from testifying in this case as he is unqualified.

As a further sanction for plaintiff's gamesmanship, defendant is awarded attorney's fees of _____.

Dated: _____

Timothy M. Burgess
U.S. District Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically this 21st day of May, 2007 to:

Robert J. Jurasek
PENTLARGE LAW GROUP
1400 W. Benson Blvd., Ste. 550
Anchorage, Alaska 99503

/s/ William A. Earnhart
RICHMOND & QUINN

2043\005\PLD\PROPOSED ORDER (NEGLIGENCE PER SE)

PROPOSED ORDER

MEYER v. ARG ENTERPRISES, INC., CASE NO. 3:05-cv-00239-TMB
PAGE 2 OF 2